

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7618

Petition of EOS Ventures, LLC for a Certificate)
of Public Good, pursuant to 30 V.S.A. § 248,)
authorizing the installation and operation of a)
2.2-MW solar electric generation facility located)
at the Southern Vermont Energy Park on Route 7)
in Pownal, Vermont)

Order entered: 12/5/2011

ORDER RE: TRANSFER OF CERTIFICATE OF PUBLIC GOOD

Background

On September 8, 2010, EOS Ventures, LLC ("EOS") was granted a Certificate of Public Good ("CPG") under 30 V.S.A. § 248 authorizing the installation and operation of a 2.2-MW solar electric generation facility located at the Southern Vermont Energy Park on Route 7 in Pownal, Vermont.

On May 5, 2011, the Vermont Public Service Board ("Board") issued an *Order Re: Decommissioning Plan*, which (1) approved EOS's proposal to establish a Decommissioning Fund ("Fund") supported by a Letter of Credit, provided that EOS submits its initial Letter of Credit, prior to the commencement of construction, to the Board and the Vermont Department of Public Service ("Department") for review and for Board approval; (2) denied, without prejudice EOS's proposal to establish a Fund with a stand-alone escrow account; and (3) reiterated that EOS must establish a Fund prior to proceeding with construction.

On June 27, 2011, the Board issued an *Order Re: System Impact Study* ("SIS") approving the SIS filed by EOS.

On November 1, 2011, EOS filed a Motion to Transfer CPG, requesting that the rights to the proposed project be transferred from EOS to SVEP Solar Project Company, LLC ("SVEP Solar"). In its motion, EOS stated: (1) EOS is a limited liability company, certified and in good standing in Vermont; (2) SVEP Solar is a company as defined by 30 V.S.A. § 201, and as such is subject to the Board's jurisdiction pursuant to 30 V.S.A. § 203; (3) EOS is the sole member of

SVEP Solar; (4) EOS consents to the transfer of the CPG to SVEP Solar; (5) SVEP Solar agrees to be fully bound by all the terms and conditions of the September 8 Order and CPG; and (6) the transfer of the CPG from EOS to SVEP Solar will have no impact on any of the findings regarding the project's compliance with each of the Section 248 criteria.

EOS's November 1 filing also represented that the Department and the Agency of Natural Resources ("ANR") do not object to the requested transfer.

No comments were received on EOS's filing.

Discussion

Although EOS stated that SVEP Solar agreed to be fully bound by all the terms and conditions of the September 8 Order and CPG, it did not affirmatively state that SVEP Solar agreed to be bound by the May 5 *Order Re: Decommissioning Plan* and the June 27 *Order Re: System Impact Study*. To ensure that the requested transfer will not result in non-compliance with those Orders, as a condition of the transfer SVEP Solar shall be bound by both the May 5 and June 27 Orders and, to ensure that SVEP Solar complies with the decommissioning requirements of the September 8 Order and CPG, we require that any Letter of Credit filed with the Board for review and approval must list SVEP Solar as the applicant. With these requirements in place, we conclude that the transfer of the CPG will have no substantive impact upon the proposed project, we approve the requested transfer of the CPG to SVEP Solar, and an amended CPG shall be issued.

SO ORDERED.

Dated at Montpelier, Vermont this 5th day of December, 2011.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: December 5, 2011

ATTEST: s/ Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.